

## Commonwealth of Massachusetts

BERKSHIRE, ss.

SUPERIOR COURT

CIVIL ACTION

No. 04-364

Berkshire Healthcare Systems, Plaintiff(s)  
Inc.

v.

Royal & Sun Alliance  
Defendant(s)

## SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Lucy Prashker, Esq.,  
CAIN HIBBARD MYERS & COOK PC  
plaintiff's attorney, whose address is 309 Main Street Great Barrington, MA  
01230

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Pittsfield either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, *Barbara J. Rose*  
~~ROBERT L. STEADMAN~~, Esquire at Pittsfield, the 20th day  
of January, in the year of our Lord ~~one thousand nine hundred and~~ 2005

*Richard S. Caplan*  
CLERK.

## NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED  
(1) - TORT - (2) MOTOR VEHICLE TORT - (3) CONTRACT - (4) - EQUITABLE RELIEF - (5) - OTHER

NOTICE TO DEFENDANT—You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

PROOF OF SERVICE OF PROCESS



Suffolk County Sheriff's Department • 45 Bromfield Street • Boston, MA 02108 • (617) 989-6999

Suffolk, ss.

January 26, 2005

I hereby certify and return that on 1/25/2005 at 2:35PM I served a true and attested copy of the 3rd Party Summons, 3rd Party Complaint and Complaint in this action in the following manner: To wit, by delivering in hand to B.Montanez, Process Clerk & agent in charge at time of service, for Royal & Sun Alliance, at , 84 State Street, Corporation Service Company Boston, MA 02108. Basic Service Fee (IH) (\$30.00), Travel (\$25.40), Postage and Handling (\$1.00), Attest/Copies (\$5.00)  
Total Charges \$61.40

Deputy Sheriff John Cotter

Deputy Sheriff

**N.B. TO PROCESS SERVER:—**

PLEASE PLACE **DATE** YOU MAKE SERVICE ON DEFENDANT IN THIS BOX **ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.**

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05/20/05

COMMONWEALTH OF MASSACHUSETTS

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SUMMONS

(Mass. R. Civ. P. 4)